

\*\*\*\*\*SAMPLE MOTION AND ORDER FOR EXPUNGEMENT OF CONVICTION OR  
DIVERSION AND RELATED ARREST RECORDS\*\*\*\*\*

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Original motions and orders should be typed or printed neatly.)

IN THE MUNICIPAL COURT OF THE CITY OF WICHITA

CITY OF WICHITA	}	
	}	
	}	
v.	}	Docket No.
	}	
	}	
(Petitioner)	}	

MOTION AND ORDER FOR EXPUNGEMENT OF  
CONVICTION OR DIVERSION AND RELATED ARREST RECORDS

COMES NOW, \_\_\_\_\_, Petitioner and moves the Court for an order of expungement, pursuant to Charter Ordinance No. 175, Section 1. In support of his/her motion, Petitioner would show the Court the following:

1. Petitioner's full name at the time of his/her arrest was \_\_\_\_\_. Petitioner's current name is \_\_\_\_\_. Petitioner is a \_\_\_\_\_ [race/sex] whose date of birth is \_\_\_\_\_. Petitioner's social security number is \_\_\_\_\_.
2. Petitioner was arrested on \_\_\_\_\_ [date] for the crime of \_\_\_\_\_ [charge] in violation of Section \_\_\_\_\_ of the Code of the City of Wichita. The docket number for the offense was \_\_\_\_\_.
3. Petitioner was [convicted of/placed on diversion for] \_\_\_\_\_ [crime] on \_\_\_\_\_ [date] in Wichita Municipal Court.
4. Petitioner [satisfied the sentence – fulfilled the terms of the diversion agreement] on \_\_\_\_\_ [date].
5. Petitioner has not been convicted of a felony in the past two (2) years, and there is no proceeding involving any crime which is presently pending or being instituted against the Petitioner.
6. The circumstances and behavior of the Petitioner warrant expungement and the expungement is consistent with the public welfare. As of this date this Petition for expungement is filed, there are no criminal or traffic charges pending in any court or jurisdiction against the Petitioner.

WHEREFORE, Petitioner requests that the Court enter an order expunging his/her [conviction(s)/diversion(s)] and the related arrest records as set forth above, and grant any an all other further relief the court deems just and equitable.

\_\_\_\_\_  
Petitioner

ORDER FOR EXPUNGEMENT

NOW ON THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, this matter comes on for hearing upon the Motion of the Petitioner for an order expunging his/her [conviction(s)/diversion(s)] and related arrest records. The Petitioner appears in person [and by counsel, if applicable]. The City of Wichita appears by and through its attorney, Sharon L. Dickgrafe.

The Court, after having examined the file and hearing the statement of counsel, finds:

1. Petitioner's full name at the time of his/her arrest was \_\_\_\_\_. Petitioner's current name is \_\_\_\_\_. Petitioner is a \_\_\_\_\_ [race/sex] whose date of birth is \_\_\_\_\_. Petitioner's social security number is \_\_\_\_\_.
2. Petitioner was arrested on \_\_\_\_\_ [date] for the crime of \_\_\_\_\_ [charge] in violation of Section \_\_\_\_\_ of the Code of the City of Wichita. The docket number for the offense was \_\_\_\_\_.
3. Petitioner was [convicted of/placed on diversion for] \_\_\_\_\_ [crime] on \_\_\_\_\_ [date] in Wichita Municipal Court.
4. Petitioner [satisfied the sentence imposed/fulfilled the terms of the diversion agreement] on \_\_\_\_\_ [date].
5. Petitioner has not been convicted of a felony in the past two (2) years, and there is no proceeding involving any crime which is presently pending or being instituted against the Petitioner.
6. The circumstances and behavior of the Petitioner warrant expungement, and the expungement is consistent with the public welfare. As of this date this Petition for expungement is filed, there are no criminal or traffic charges pending in any court or jurisdiction against the Petitioner.
7. That the circumstances and behavior of the Petitioner warrant the expungement.
8. That the expungement is consistent with the public welfare.
9. That the Petitioner should be released from all penalties and disabilities resulting from said [conviction(s)/diversion(s)] and related arrest records.
10. That, except for the limitations set forth in Charter Ordinance No. 122, Section 9, as amended, Petitioner shall be treated as not having been convicted of/diverted from] or arrested for the crime set forth above.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the [conviction(s)/diversion(s)] and the related arrest records set forth above are hereby expunged. The Petitioner shall be treated in all respects as not having been [found guilty/placed on diversion for] or arrested for the aforementioned crime, except as provided in Section 1 of Charter Ordinance No. 17.5 of the Code of the City of Wichita, Kansas.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that subject to the disclosures required pursuant to subsection (e) of Section 9 of Charter ordinance No. 122, of the Code of the City of Wichita, Kansas, as amended, in any application for employment, license or other privilege, the Petitioner may state that he/she has never been [convicted of/diverted from] or arrested for the expunged crime.

IT IS SO ORDERED.

\_\_\_\_\_  
Municipal Court Judge

APPROVED:

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Assistant City Attorney